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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,088	08/15/2001	Alex Shahidi		8892

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/929,088	<b>Applicant(s)</b> SHAHIDI, ALEX	
	<b>Examiner</b> Steven R. Wasylchak	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/15/01.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perell et al. (US 6,658,400).

**Claims:**

1. A method for using at least one computer, a server and a global communications network to facilitate the transfer of information upon user defined conditions comprising the steps of  
  
inputting user defined data into the server by means of the computer,/abstract; fig 1  
  
storing said data within a file on the server, said file comprising a data safe,/abstract; fig 1  
  
inputting user defined rules of conduct which, in combination with said user defined data comprises a virtual persona,/fig 5 to 8  
  
communicating a request for data to the user,/fig 6, 8

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releasing data to the requester upon said user defined  
conditions./fig 5

2. The method of claim 1, further comprising the step of restricting  
access to said data upon user defined conditions./fig 4

3. The method of claim 2 further comprising the user defined condition of  
paying compensation to the user and the step of paying compensation to  
said user./fig 1, fig 2("Fee payment" in center and Referral fee payment), fig  
3A(305), fig 5(501), fig 6D

4. The method of claim 1 further comprising the step of selling the data to a  
third party./fig 2: Referral fee payment

7. The method of claim 1 wherein the data collected consists of a null  
set./fig 3A,B

8. The method of claim 1 wherein the data released consists of a null set/fig  
3A,B

9. A method for using at least one computer, a server and a global  
communications network to facilitate the sale of goods and services upon  
user defined conditions comprising the steps of  
inputting user defined data into the server by means of the  
computer,/abstract; fig 1

storing said data within a file on the server, said file comprising a virtual  
person,/fig 4A,B

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receiving an offer for a sale from a seller,/fig 6B(sale of services)

comparing the terms of said offer with the data within the file to determine the probable interest level of the user,/fig 8 all, col 19 L 9-13.

communicating said offer to the user by means of the file if the probable interest level is sufficient,/fig 6B, 8B

receiving an acceptance in the file from the user,/fig 8D

communicating the acceptance of the offer to the seller./fig 8D

10. The method of claim 9, further comprising the steps of

communicating the terms of the offer and the acceptance to an escrow,/col 3, L 26-64; col 30, L 16-22

communicating delivery instructions contained within the file to said escrow,/ col 3, L 26-64; col 30, L 16-22

transferring payment from the user to the escrow, receiving control of goods into escrow, transferring payment from the escrow to the seller, transferring the goods to the user using said delivery instructions./ fig 2; col 3, L 26-64; col 30, L 16-22; goods are equivalent to services to be rendered as described in the resume

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrell et al. (US 6,658,400) and further in view of Ciarniello et al. (US 6,802,810).

Claims:

5. Perrell et al. discloses the data/abstract. Perrell et al. does not explicitly disclose medical *information* of the user.

However, Ciarniello et al. discloses medical *information* of the user./abstract; col 3, L 22-45; col 4, L 7-25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of a more robust data vault.

6. Perrell et al. does not explicitly disclose that data consists of genetic information of the user. However, Ciarniello et al. discloses that data consists of genetic information of the user./ abstract; col 3, L 22-45; col 4, L 7-25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of a more robust data vault

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R.

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Wasylichak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylichak



12/11/04



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600